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SENATE BILL 277

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING THE ELECTRONIC SERVICES FUND;
PROVIDING FOR THE ESTABLISHMENT OF ELECTRONIC SERVICES FEES TO
DEFRAY THE COST OF PROVIDING ELECTRONIC FILING AND PUBLIC
ACCESS TO COURT DOCUMENTS; AUTHORIZING THE ADMINISTRATIVE
OFFICE OF THE COURTS TO ENTER INTO AGREEMENTS TO PROVIDE
ELECTRONIC FILING AND ACCESS SERVICES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 34, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] ELECTRONIC SERVICES FUND--CREATED--
PURPOSE--ELECTRONIC SERVICES FEE ESTABLISHED.--

A. The "electronic services fund" is created in the
state treasury to be administered by the administrative office
of the courts. The fund consists of electronic services fees,
.175721.1SA

underscored material = new
[bracketed material] = delete

1 appropriations, gifts, grants and donations. Interest earned
2 on money in the fund shall be credited to the fund. Balances
3 in the fund shall not revert to the general fund at the end of
4 a fiscal year.

5 B. Money in the fund is subject to appropriation by
6 the legislature to the administrative office of the courts for
7 the purpose of defraying the costs of operating and maintaining
8 electronic filing services and providing public access to
9 electronic documents in appellate, district, metropolitan and
10 magistrate courts, consistent with rules promulgated by the
11 supreme court.

12 C. The supreme court is authorized to establish by
13 rule reasonable electronic services fees to cover the expense
14 of providing electronic services to the public, including
15 electronic document filing, access to electronic documents and
16 ancillary services.

17 D. The administrative office of the courts is
18 authorized to enter into agreements with electronic filing
19 companies to provide electronic services, collect the
20 electronic services fees and remit those fees to the
21 administrative office of the courts. An agreement may further
22 allow an electronic filing company to retain a portion of the
23 electronic services fees collected and to remit the remainder
24 of those fees to the administrative office of the courts for
25 deposit in the electronic services fund.

underscoring material = new
[bracketed material] = delete

1 E. Disbursements from the electronic services fund
2 shall be made by warrants drawn by the secretary of finance and
3 administration upon vouchers issued and signed by the director
4 of the administrative office of the courts or the director's
5 designee."

6 Section 2. A new section of Chapter 34, Article 2 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] SUPREME COURT--ELECTRONIC SERVICES FEE.--
9 The clerk of the supreme court may charge and collect from
10 persons who use electronic services an electronic services fee
11 in an amount established by supreme court rule. Proceeds from
12 the electronic services fee shall be remitted to the
13 administrative office of the courts for deposit in the
14 electronic services fund."

15 Section 3. A new section of Chapter 34, Article 5 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] COURT OF APPEALS--ELECTRONIC SERVICES
18 FEE.--The clerk of the court of appeals may charge and collect
19 from persons who use electronic services an electronic services
20 fee in an amount established by supreme court rule. Proceeds
21 from the electronic services fee shall be remitted to the
22 administrative office of the courts for deposit in the
23 electronic services fund."

24 Section 4. A new section of Chapter 34, Article 6 NMSA
25 1978 is enacted to read:

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underscored material = new
[bracketed material] = delete

1 "[NEW MATERIAL] DISTRICT COURT--ELECTRONIC SERVICES FEE.--
2 A district court may charge and collect from persons who use
3 electronic services an electronic services fee in an amount
4 established by supreme court rule. Proceeds from the
5 electronic services fee shall be remitted to the administrative
6 office of the courts for deposit in the electronic services
7 fund."

8 Section 5. A new section of Chapter 34, Article 8A NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] METROPOLITAN COURT--ELECTRONIC SERVICES
11 FEE.--A metropolitan court may charge and collect from persons
12 who use electronic services an electronic services fee in an
13 amount established by supreme court rule. Proceeds from the
14 electronic services fee shall be remitted to the administrative
15 office of the courts for deposit in the electronic services
16 fund."

17 Section 6. A new section of Chapter 35, Article 6 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] MAGISTRATE COURT--ELECTRONIC SERVICES
20 FEE.--A magistrate court may charge and collect from persons
21 who use electronic services an electronic services fee in an
22 amount established by supreme court rule. Proceeds from the
23 electronic services fee shall be remitted to the administrative
24 office of the courts for deposit in the electronic services
25 fund."

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